

REMARKS

No claims have been cancelled. Claims 1, 11, 20, 28, 37, 42, 47, 52, 73, 76, 79 and 82 have been amended. No new claims have been added. Therefore, claims 1-84 are presented for examination.

Rejections Under 35 U.S.C. §102(b)

Klingler

The Examiner has rejected claims 1-84 under 35 U.S.C. §102(b), as being anticipated by Klingler et al., U.S. Patent 5,404,316 ("Klingler"). Applicant respectfully submits, however, that the present claims are not anticipated by Klingler.

Klingler discloses a graphical user interface which allows a user to implement image processing techniques without utilizing a special programming language. Data flow graphs are created which record image processing operations, associated parameters and inputs selected using the interface. The dataflow architecture enables the system to capture and reproduce all the operations (or steps) in the creation of a movie. The dataflow captures all of the movie edits and all of the combinations of clips. (Klingler, col. 4, ll. 59-62, Figure 2). Capturing image processing operations includes automatically recording "the processing operations selected to perform a particular video edit, so that variations in the editing process can be accomplished by recalling the original editing operations and reprocessing only those portions of the editing operations necessary to achieve a different desired result." (Klingler, col. 2, ll. 42-46).

Independent claims 1, 11, 20, 37, 42, 47 and 52, as amended, each include the limitation of presenting capture information from the time based stream of information,

wherein the capture information is acquired in a capture mode. Applicant respectfully submits that Klingler does not disclose this limitation. Applicant respectfully reminds the Examiner that while claims must be interpreted broadly, “during prosecution, the pending claims must be given their broadest reasonable interpretation consistent with the specification.” (MPEP 2111). Thus the claims must be interpreted in light of Applicant’s stated definition in the Specification. As defined and used throughout Applicant’s Specification, “capture information” is related to the time based information being acquired by the system while in capture mode. For example, the capture information may include a depiction or replay of the time based stream of information (referred to as a “capture output”), a time code that indicates the length of a clip, or an audio synch time line on which references to clips are arranged and depicted in size according to the length of the clip in storage, as well as other characteristics of the information that is being acquired. (Specification, p. 20, ll. 5-24).

The Examiner has equated Klingler’s capturing of image processing operations with Applicant’s claimed presenting of capture information from the time based stream of information, the capture information acquired in a capture mode. However, Applicant’s claimed capture information is related to the time based information being acquired by the system while in capture mode. In contrast, Klingler’s capture of image processing steps are related to editing operations selected by a user. In other words, Klingler is directed to capturing a list of user performed editing steps, while the claimed invention is directed to presenting capture information from a time based stream of information. Thus, Klingler’s capturing of editing operations is in no way equivalent to the claimed capture information from the time based stream of information.

Accordingly, it is respectfully submitted that independent claims 1, 11, 20, 37, 42, 47 and 52, and claims 2-10, 12-19, 21-27, 38-41, 43-46, 48-51, and 53-56 that depend from them, are not anticipated by Klingler.

Independent claim 28 includes the limitation to "provide capture information from the time based stream of information on a portion of a display, wherein the capture information is acquired in a capture mode." For at least the reasons discussed above, Klingler does not disclose this limitation. Accordingly, it is respectfully submitted that independent claim 28 and claims 29-36 that depend from it, are not anticipated by Klingler.

Independent claims 57, 61, 65 and 69 each include the limitation of presenting a capture output on a viewing portion of a display during the capture mode. For at least the reasons discussed above, Klingler does not disclose this limitation. Accordingly, it is respectfully submitted that independent claims 57, 61, 65 and 69 and claims 58-60, 62-64, 66-68, and 70-72 that depend from them, are not anticipated by Klingler.

Independent claims 73, 76, 79 and 82 each include the limitation of automatically engaging a capture mode, wherein the time based stream of information is collected in the capture mode. For at least the reasons discussed above, Klingler does not disclose this limitation. Accordingly, it is respectfully submitted that independent claims 73, 76, 79 and 82 and claims 74, 75, 77, 78, 80, 81, 83 and 84 that depend from them, are not anticipated by Klingler.

Therefore, Applicant respectfully requests the withdrawal of the rejections of the claims.

Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.


If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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